

REMARKS

The Examiner's attention to the present application is noted with appreciation. The Examiner rejected claim 17 under 35 U.S.C. 112, second paragraph as being indefinite. The adjective "precision" has been deleted from Claim 17.

The Examiner rejected claims 1-3 and 5-14 under 35 U.S.C. 103(a) as being unpatentable over Smith et al. in view of Dunn et al. Such rejection is respectfully traversed, particularly as to the claims as amended. The Examiner is incorrect in her assertion that Dunn et al. disclose warm air going through "hub 126 (opening/hole) upward and outward (radially) the carousel. As clearly shown in Figs. 7-9, and discussed in the accompanying description in col. 10, lines 13-54, hub **126** is not an opening or hole but is actually a device which prevents "the flow of heated air into the hollow core **90** of bucket spindle **78**" (lines 46-48). As shown in the figures, warm air **33**, **35** and **129** proceeds from the deflector ring and proceeds radially outward along the *bottom* of the bottle wells; it optionally is directed into each individual bottle well.

The purpose of the sample arrangement of the present invention is in part to maximize the airflow and temperature uniformity, and heating or cooling rate, of the samples (see page 6, lines 29-31). In contrast, the airflow scheme of the apparatus of Dunn, et al. is simply to provide heated air to each of the samples, which are arranged circularly simply for space saving or accessibility purposes. The choice of introducing warming air centrally into the carousel was made because there is no sample chamber to contain the warm air, and because the carousel rotates, *not* for airflow uniformity purposes. There can be no uniformity of air flow caused by this arrangement since each sample bottle of Dunn et al. sits in its own well, and the well walls form barriers or impediments which prevent the air flow from being uniformly distributed over all of the samples. Thus, all of the present limitations of the claims as amended are not taught by the art cited.

Further, Applicant submits that this fact prevents the combination of Smith et al. with Dunn et al. under MPEP Section 2143.01 VI: "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the

references are not sufficient to render the claims *prima facie* obvious." The uniform airflow of Smith et al., a primary principle of operation of Smith et al.'s invention, would be changed by adding the airflow scheme of Dunn et al., which does not teach uniform airflow but rather teaches sample bottles situated in individual wells, the walls of which act as impediments to uniform air flow.

The Examiner rejected claims 1, 4, 5, and 10-22 under 35 U.S.C. 103(a) as being unpatentable over Hanners et al., either alone or in view of other references. Such rejections are respectfully traversed. Hanners is not a thermal testing apparatus. The airflow of Hanners is simply to cool the samples, which generate heat under electrical testing. Further, the cooling air of Hanners is introduced into the chamber through slots **116** in shell **110**, and *exit* the chamber through multiple slots **118** in central support member **56**. Thus neither Hanners et al., nor the other art cited in combination with Hanners et al., teach the use of a heater to vary the temperature of the samples, nor do they teach a plurality of sample mounts circularly arranged around an opening for introduction of the air or other fluid into the chamber, both of which are limitations required by the present claims. Note that even if heated or cooled air were introduced into the chamber of Hanners et al. through support member **56** (which is neither taught nor suggested by Hanners et al. nor any of the other cited art) it would enter the chamber through multiple slots **118**, and not through an opening around which sample mounts are circularly arranged.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned agent for Applicant at the telephone number listed below.

Also being filed herewith is a Petition for Extension of Time to December 8, 2005, with the appropriate fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'P. Askenazy', written over a horizontal line.

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